

**ENVIRONMENTAL LICENSING PROGRAMME  
MEMORANDUM**

<b>TO:</b>	Dara Lynott
<b>FROM:</b>	Noeleen Keavey
<b>DATE:</b>	04/12/2015
<b>RE:</b>	Request for the Transfer of Licence , Reg No W0254-01, from Cemex (ROI) Limited to WALSHESTOWN RESTORATION LIMITED, CRO No 564315

**Background**

Licence Reg No W0254-01 was granted to Cemex (ROI) Limited on the 23/10/2013. A Transfer Application was received on 18/08/2015 from Cemex (ROI) Limited and Walshestown Restoration Limited. According to the applicants the basis for the transfer application is the current Licensee, Cemex (ROI) Limited have entered into a binding contract to sell the subject lands to the proposed Transferee, subject to obtaining consent from the Agency to transfer the current waste license to them. The transfer of the licence will allow Walshestown Restoration Limited to operate the installation, currently operating at Walshestown, Blackhall, Tipperkevin and Bawnoge, Naas, Co. Kildare under Licence Reg No W0254-01.

Walshestown Restoration Limited is a limited company incorporated under the laws of Ireland and registered in the Companies Registration Office (Registered Number 564315).

**Company Background:**

Walshestown Restoration Limited was established on the 3rd of July 2015 by Patrick Meade and Mervyn Ross to purchase and operate Cemex's Inert Waste Facility at Walshestown, Naas, County Kildare. Following discussions with both Cemex and the committee of Punchestown Race Course, agreement was reached whereby Walshestown Restoration Limited would purchase and, subject to Environmental Protection Agency approval, operate the Inert Waste Facility. Walshestown Restoration Limited's business activity is to import inert waste material for recovery and to restore the lands at Walshestown in accordance with the Waste Licence and Planning Permission conditions.

Essentially the purpose of the facility is to restore a previously worked-out sand and gravel pit to its former landscape character

## **Assessment**

The application was assessed under Section 47 of the Waste Management Act 1996 as amended. It is deemed to comply with the requirements of the above, as follows:

### **Requirements of Section 47(2) and 47(3)**

- The application complies with Subsection (2) having been jointly made by the current licensee and the proposed transferee.
- The application was made in the form prescribed by the Agency.
- The application was accompanied by the appropriate fee, in accordance with Article 43 of the Waste (Licensing) Regulations, as amended.

### **Such information as may be required by Section 47(3)**

The existing licence requires revision of the original ELRA and CRAMP assessments which were submitted as part of the licence application. The agreement of revised assessments together with the making of financial provision is required under the licence **prior to commencement** of the activity.

The costs associated with both the closure plan (CRAMP) and environmental liabilities (ELRA) for the facility are in the order of €295,000.

The OEE Programme Manager has approved proceeding with the licence transfer on the basis that agreement of CRAMP, ELRA and FP is addressed post licence transfer.

Communications regarding procedural and infrastructural requirements, prior to commencement, will be advanced by OEE, with ELP outlining, as part of the issuing of the transfer notification, the necessary procedural steps in order to have the ELRA, CRAMP and FP approved by OEE.

The Senior Inspector (ELP) has reviewed the transfer application and all associated OEE communications.

The transferee or any relevant person has not had an application for a licence refused.

### **Requirements of Section 47(5)**

- Information in relation to the status of the proposed transferee as a 'Fit and Proper Person' has been provided and, based on a review of the information; the proposed transferee has no relevant convictions and has sufficient technical experience and support.
- Financial Provision will be addressed by the Office of Environmental Enforcement with the new licensee post transfer and prior to commencement of the activity as per the licence.

The Senior Inspector (ELP) has reviewed the transfer application and considers, on the basis of the information provided in the application, that the proposed transferee can be deemed a Fit & Proper Person for the purpose of this transfer.

### **Requirements of Section 47(6)**


The proposed transferee has stated in writing that they accept all liabilities, requirements and obligations provided for in or arising under the licence regardless of how and in respect of what period, including a period prior to the transfer of a licence, that may arise.

As activity has yet to commence no outstanding legal issues required to be resolved.

As activity has yet to commence, no outstanding fees are due from the licensee.

## **Recommendation**

It is recommended that the transfer of Waste licence Reg. No. W0254-01 from Cemex (ROI) Limited to Walshestown Restoration Limited, CRO No 564315, is approved under Section 47 of the Waste Management Act 1996 as amended.



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